

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARLIN E. JONES,	)	8:11CV130
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CITY OF NORTH PLATTE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)) and Motion for Summons (filing no. [3](#)). Upon review of Plaintiff's Motion for Leave to Proceed in Forma Pauperis, the court finds that Plaintiff is financially eligible to proceed in forma pauperis. However, Plaintiff's Motion for Summons will be denied without prejudice to reassertion until after the court conducts an initial review of the Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)](#). IT IS THEREFORE ORDERED that: Plaintiff's Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)) is granted, and the Complaint shall be filed without payment of fees; and Plaintiff's Motion for Summons (filing no. [3](#)) is denied without prejudice to reassertion.

DATED this 12<sup>th</sup> day of May, 2011.

BY THE COURT:

*Richard G. Kopf*

United States District Judge

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